

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHARLES MANLEY, JR.)	3:11-cv-00636-RCJ-WGC
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
vs.)	
)	March 28, 2012
STATE OF NEVADA, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: JENNIFER COTTER REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is “Plaintiff’s Motion for Court Order for Evidence/Discovery Used by the Attorney General During Informal Settlement” (Doc. #21). Defendants have opposed plaintiff’s motion (Doc. #23). No reply has been submitted by plaintiff and the matter is ripe for a decision.

Defendants correctly note in their opposition that a party may not seek discovery from any source before the parties have conferred as required by Rule 26(f) unless exempted or by stipulation or court order. (Doc. #23 at 2.) However, following defendants’ filing of an Answer (Doc. #24), the Court issued its Scheduling Order (Doc. 25) on March 27, 2012, allowing discovery to commence and details, among others, the deadline for completion of discovery. The parties may now proceed with discovery.

As a caveat, however, a discovery request seeking production of “documents utilized during a settlement conference” would be inappropriate. What went on, was discussed or referred to at a settlement conference is confidential. On the other hand, because a party may have reviewed or relied on certain evidence for purposes of preparing for a settlement conference (which is legitimate) does not mean such evidence is not discoverable. Plaintiff (or any party) may seek production of any non-privileged document which is relevant to any party’s claim or defense or reasonably calculated to lead to the discovery of admissible evidence. Fed. R. Civ. P. 26(b)(1).

Plaintiff’s Motion (Doc. #21) is therefore denied as moot.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk